

(e) Alternative selection methods may be used with advanced approval from the Administrator.

III. *Vehicles Not Available*: Vehicles may not be available or will not be pursued for procurement for the following reasons:

- (a) The potential participant response indicates “not willing to participate.”
- (b) The customer has moved out of the area.
- (c) The solicitation letter is undeliverable.
- (d) The customer did not respond after two attempts.
- (e) The vehicle is not in the appropriate mileage or age category.

APPENDIX II TO SUBPART S OF PART 86— AS-RECEIVED TESTING VEHICLE REJECTION CRITERIA

- 1. The odometer is inoperative, has been replaced, or the indicated mileage is outside the target range.
- 2. The emission system of the vehicle has been obviously tampered or the vehicle has been operated on leaded fuel. A manufacturer may request a vehicle be rejected because of the addition of an aftermarket security system if the manufacturer establishes that the installation would make that vehicle's emissions unrepresentative.
- 3. The vehicle has been used for severe duty (trailer towing for passenger cars, snow plowing, racing)
- 4. The vehicle has a history of extensive collision damage or major engine repair (piston, crank, cylinder head, engine block).
- 5. The vehicle exhibits ominous noises or serious fluid leaks from the engine or transmission, a modified exhaust system, (headers, side pipes, aftermarket catalysts, etc) or an exhaust system with an audible leak.
- 6. Testing the vehicle could endanger the safety of the vehicle, test facility, or individuals conducting the testing.
- 7. The MIL light is flashing (severe misfire indication).
- 8. Other items with prior agency approval.

APPENDIX III TO SUBPART S OF PART 86—AS-RECEIVED INSPECTION

Items to be recorded at time of Initial Inspection of Vehicle—

- 1. Date of Inspection
- 3. Test Group
- 4. Evaporative/refueling Family
- 5. Vehicle model
- 6. Odometer Reading
- 7. Build Date
- 8. MIL light on/off status
- 9. Readiness code status
- 10. Stored OBD codes
- 11. Any conditions referenced in appendix II to this subpart which result in vehicle being rejected from program.

Subpart T—Manufacturer-Run In-Use Testing Program for Heavy-Duty Diesel Engines

SOURCE: 70 FR 34619, June 14, 2005, unless otherwise noted.

§ 86.1901 What testing requirements apply to my engines that have gone into service?

(a) If you manufacture diesel heavy-duty engines above 8,500 lbs. GVWR that are subject to engine-based exhaust emission standards under this part, you must test them as described in this subpart. You must measure all emissions listed in § 86.1910(d) other than PM beginning in calendar year 2005 and you must measure PM emissions beginning in calendar year 2007. See § 86.1930 for special provisions that may apply to manufacturers in the early years of this program.

(b) We may void your certificate of conformity for an engine family if you do not meet your obligations under this subpart. We may also void individual tests and require you to retest those vehicles or take other appropriate measures in instances where you have not performed the testing in accordance with the requirements described in this subpart.

(c) In this subpart, the term “you” refers to the certificate-holder for any engines subject to the requirements of this subpart.

(d) In this subpart, *round* means to round numbers according to NIST Special Publication 811 (incorporated by reference in § 86.1).

[70 FR 34619, June 14, 2005, as amended at 75 FR 68459, Nov. 8, 2010]

§ 86.1905 How does this program work?

(a) You must test in-use engines from the families we select. We may select the following number of engine families for testing, except as specified in paragraph (b) of this section:

(1) We may select up to 25 percent of your engine families in any calendar year, calculated by dividing the number of engine families you certified in the model year corresponding to the calendar year by four and rounding to